

Ms. HASSAN. Before I wrap up, I just want to point out what you just heard—what the American people have just heard—is talking points straight out of Big Oil's playbook.

A gas tax holiday is a commonsense solution that would provide immediate relief for Granite Staters and Americans all over the country. Big Oil holds thousands of unused permits at their fingertips that they could use right now to increase supply. Instead, what is happening is Big Oil is padding its pockets at the expense of Americans.

Let's be clear. This would not take a dime out of the highway trust fund because this bill instructs Treasury to replenish the trust fund, something it has done half a dozen times in about the last decade. This is something that has bipartisan support across the country—Democratic and Republican Governors, Democratic and Republican legislators are moving to suspend their gas taxes. This is something we could do right now to help American families balance their budgets and make ends meet.

While I am disappointed to see my colleague block this critical legislation, I will keep working to bring down costs for American families and get this bill passed.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that all postcloture time on the Jackson nomination expire at 1:45 p.m. today.

For the information of the Senate, there will be a rollcall vote at 1:45 p.m. today on confirmation of the nomination of Ketanji Brown Jackson to be an Associate Justice of the Supreme Court of the United States. Senators are encouraged to be seated prior to the start of the vote and are encouraged to cast their vote from their desks.

I yield the floor.

The PRESIDING OFFICER (Mr. KING). The Senator from Louisiana.

CHARTER SCHOOLS

Mr. CASSIDY. Mr. President, I rise to speak about saving school choice or, perhaps, parental choice.

Some students learn differently than others do. I am the parent of a child with dyslexia. I can tell you that any such parent knows one-size-fits-all education does not work.

Parents and students should have the ability to choose the learning environment that is best for that child, and I think the parent can make the choice better than the school board and certainly better than bureaucrats in the Department of Education here in Washington, DC.

The charter school program was created by Congress for that exact purpose: To ensure that parents could choose what is best for their child. Power to the parent. Giving parents the power is crucial to allowing every student to succeed.

Unfortunately, there are groups working to undermine the power the

parent should have to choose their child's school.

The U.S. Department of Education has decided to disregard what is in the best interest of the student with a new proposed rule that adds new requirements for applicants completely unrelated to student outcomes. Applicants would have to demonstrate an unmet need for a charter school, provide evidence of overenrollment at existing public schools in order to establish a charter school.

It seems as if the Department of Education is putting up arbitrary barriers to opening a charter school simply out of prejudice. They don't want the parent to have the power.

Our country's charter schools are under threat from the far left and from teachers unions who seek to shut them down because charter school staffs are difficult to unionize.

Now, these unions know it is much harder to spread their influence in charter schools; and in some cases, it is, frankly, impossible for a charter school to unionize. And the giant unions see this as a simple problem. They know the more charter schools there are, the less revenue they get. So their solution is equally as simple, take power away from parents with layers of new bureaucracy and government regulation. We should not let that happen.

And let's just put this in perspective. Since the pandemic began, it has been public charter schools that have seen a substantial increase in demand. They opened up sooner, and they stayed open in larger numbers than traditional public schools. And we know that open schools are better for children. Parents should have the power to send their child to a school where they feel like they, the parent, have a voice, and where they know their child is more likely to succeed.

Now, let's be clear who this rule is written for—not for the parent and not for the child. It is not written to help the student. It is written to help unions exercise more control over a student's life. This rule makes no mention of how many of these new restrictions improve student achievement or actually help students. And at a time when students are falling behind in record numbers, we need new and innovative approaches to our education system, not just hand the keys over to a special interest group. The truth is, these rules give less choice to families, will hold students back, and do more harm than good.

Now, the charter school program has enjoyed bipartisan support for nearly 30 years. Any substantial change to the program should go through Congress and receive thoughtful consideration. And parent choice for the school their child attends should not be gutted by an informal committee of union employees and education department officials.

Those of us who care about the student, those of us who see the role of

charter schools, we have one message to Secretary of Education Cardona: Back off of our charter schools.

TRIBUTE TO ROBERT J. WRIGHT

Mr. President, I want to take a moment to recognize the career of a beloved and trusted Louisiana journalist, radio host, and friend to all, Robert J. Wright of Shreveport, LA. After 50 years of radio, Robert announced he retires later this month. His last day is Friday, April 29, 1 day after his 70th birthday—a well-earned retirement. Robert is a masterful storyteller and a critical thinker, always finding the other side of a story. He has been a voice of reason and always looking for the truth. He took his first job in radio while attending LSU Shreveport. As he says: "It was indoors, and you didn't have to carry stuff"—about as good a summary of a good job as you could ever ask.

He went on to host morning shows in Philadelphia, Cleveland, and Orlando before eventually moving back to Shreveport in 1996. That is when he first teamed up with his long-term cohost, Erin McCarty, to start their morning show that has been a part of Northwest Louisiana's morning commute for over 25 years.

He and McCarty moved their show and has been the "Townsquare" of Shreveport on KEEL ever since. To say that he will be missed is an understatement. Their show has been as much a part of many in Northwest Louisiana's daily routine as a morning cup of coffee. When you interview with Robert, it is clear you are speaking with someone who cares about the issues facing his community, just as much as usual. He has earned the time and trust of his listeners.

So congratulations to Robert J. Wright on an impressive and meaningful career. Robert, I can tell you there are many who are pretty upset about this news, and that is a testament to the positive impact you have had on our community.

Robert, we of Louisiana wish you a happy and well-earned retirement.

I yield the floor.

The PRESIDING OFFICER. The Senator for Iowa.

NOMINATION OF KETANJI BROWN JACKSON

Mr. GRASSLEY. Soon, we will be voting on Judge Jackson's nomination, and I would like to explain why I am voting against her appointment to the Supreme Court.

Since the White House announced Judge Jackson's nomination, I have emphasized the need for a thorough and fair process. Unfortunately, the majority party weren't concerned about the rigorous examination of her record. The White House and the majority party have shielded important information. We don't have any nonpublic document from her time at the Sentencing Commission, and the Obama White House held back more than 48,000 pages.

Judge Jackson also gave the White House confidential, nonpublic probation recommendations for some of her

cases, but when we asked about a probation document filed on the Hawkins case, Judge Jackson claimed that she was not able to access records for her old cases because that was allegedly because she was no longer on the district court. And we now know that she sits on the DC Circuit Court of Appeals.

Now, if that is true, there are many unanswered questions about how information the White House thought was helpful was so easily obtained. So we should take into account that all the helpful information has already been leaked.

That brings me to the merits of Judge Jackson's nomination. For judicial nominees, their philosophy ought to decide—how to decide cases ought to be a primary consideration.

Part of having a judicial philosophy is having an understanding of the fundamental principles of our Constitution. Natural rights are a part of that system. Judge Jackson explained to us that she does not “hold a position on whether individuals possess natural rights.”

Now, that ought to be very shocking. Natural rights are basic to our constitutional system and principles of limited government. Because we all know our country was founded on the belief that is expressed in the Declaration of Independence:

All men are created equal [and] they are endowed by their Creator with certain unalienable rights that among these are the Life, Liberty, and the pursuit of Happiness.

And that was further nailed down in the Constitution of the United States.

Our Constitution vests the three branches of government with very limited power. All other powers not given to the Federal Government are reserved for the States and to the people thereof.

The principle of limited government is what makes America an exceptional nation and sets our Constitution apart. Judges must have a proper understanding of those basic principles; and the way Judge Jackson answered those questions, particularly the answers she gave to Senator CRUZ, shows that she lacks that very necessary foundation.

Now, I want to go on to a few other examples. At the hearing, Judge Jackson testified about one of her decisions involving the First Step Act. In that case, prosecutors had rock-solid evidence against a dangerous drug kingpin, but Judge Jackson was displeased the government pursued a mandatory minimum sentence.

So she misused a motion for compassionate release to resentence that person to a sentence she thought he deserved.

As the lead author of the First Step Act, I know that is not what we wrote the statute to do. The act was supposed to allow elderly inmates and those suffering from terminal illness to petition the court for a sentence reduction. The statute also allows for a reduction if the court finds an “extraordinary and compelling reason.”

Judges should use great discretion. Judges should weigh against the charge, the dangers to society, and the risk of recidivism.

At her hearing, Judge Jackson said that she based her “extraordinary and compelling” finding on the nonretroactive changes to the law. This radical interpretation is terrible and dangerous.

Congress chose which provisions the First Step Act would apply retroactively. The Senate is currently considering legislation that I cosponsored with Chairman DURBIN that makes some of the First Step Act provisions retroactive, but that is Congress's role, not Judge Jackson's role.

Senator DURBIN and I wouldn't have been able to broker a compromise on that legislation if Senators thought the judges would rewrite the law and insert their own views from the bench. Decisions like this will make bipartisan work, particularly on criminal justice reform, harder to do.

A case by the name of Young is just one example of Judge Jackson's lenient approach to criminal law and sentencing. She also declined to apply a number of sentencing enhancements that Congress put into the sentencing guidelines.

A case by the name of *Make the Road New York v. McAleenan* is another case that shows how Judge Jackson used her methodology to reach a result that contradicts the plain text of the law. Congress gave the Secretary of Homeland Security—and these are the words from the law—“sole and unreviewable discretion” to decide whether illegal immigrants should be subject to expedited removal within 2 years. Judge Jackson reviewed the Agency's decision anyway, and it seems clear why.

She went out of her lane to comment on the policy as, in her words, “a terrible proposal.” And she claimed that the government attorneys made an argument that “reeks of bad faith.” “Reeks of bad faith” are her words.

In fact, her decision and her rhetoric are unfounded. So that is why her decision earned a strong rebuke from the panel of liberal and conservative judges when she was reversed by the DC Circuit.

Judge Millett, an Obama appointee, explained it this way in the opinion:

[T]here could hardly be a more definitive expression of congressional intent [than] . . . “sole and unreviewable discretion.”

These are just a few examples of Judge Jackson's judicial activism. Because her record clearly shows she does not believe in or act within the limited and proper role of a judge, I will vote against her confirmation.

I yield the floor.

Ms. COLLINS. Mr. President, I rise today in support of the nomination of Ketanji Brown Jackson to be an Associate Justice on the U.S. Supreme Court. Based on my careful review of her record and experience, as well as my assessment of her character and judicial philosophy, I believe that she

warrants confirmation to the High Court.

The Constitution delineates the roles of the President and the Senate in nominating and confirming members of the Federal judiciary. Article II grants the President the power to nominate judges, and it gives the Senate the power of advice and consent for such nominations.

Evaluating a nominee to serve a lifetime appointment on the Supreme Court is one of the most consequential responsibilities of any Senator. Accordingly, I closely examine each nominee's qualifications, experience, writings, judicial philosophy, and personal integrity. One factor I do not consider is the political party of the nominating president.

I have spent the last several weeks reviewing Judge Jackson's record, both before and after she became a Federal judge. Prior to and after her hearings before the Senate Judiciary Committee, Judge Jackson and I spent more than 2 and a half hours discussing her jurisprudence and approach to deciding cases. I explored her views on precedent and her understanding of the role that the judicial branch plays within our constitutional design.

I also watched Judge Jackson's confirmation hearing and, on numerous occasions, requested additional information from the White House and Senate Judiciary Committee.

There is no question that Judge Jackson is qualified to be a Supreme Court Justice. She has sterling academic and extensive professional credentials. She has been a Supreme Court clerk, an attorney in private practice, a Federal public defender, a member of the U.S. Sentencing Commission, and a Federal district court judge for more than 8 years. She now serves on the U.S. Court of Appeals for the District of Columbia Circuit. Her qualifications have been confirmed by the American Bar Association's Standing Committee on the Federal Judiciary, which has unanimously rated Judge Jackson as “Well Qualified”—its highest rating.

Having determined that Judge Jackson possesses the requisite qualifications and experience, my consideration of her nomination then turned to whether she has the judgment and approach to deciding cases that are necessary to serve on the Supreme Court.

Words that I spoke—years ago—when announcing my decision to vote to confirm Justice Elena Kagan to the Supreme Court remain my standard today: “I believe it is . . . critical for nominees to have a judicial philosophy that is devoid of prejudgment, partisanship, and preference. Only then will the decisions handed down from the bench be impartial and consistent with legal precedents and the constitutional foundations of our democratic system.”

Federal judges at all levels who are entrusted with lifetime appointments must avoid the temptation to exceed their constitutional role. That is particularly important for Supreme Court

Justices, who issue rulings from which there is no further opportunity for appeal.

Judge Jackson testified that, as a judge, she seeks to “decide cases from a neutral posture” and rules “without fear or favor, consistent with [her] judicial oath.” She also correctly acknowledged that the role of a judge “is a limited one” and that she is only empowered to “decide cases and controversies that are properly presented.” She added that her “judicial role is further constrained by careful adherence to precedent.”

During her hearing, Judge Jackson was asked whether she believes that the Constitution is a living document with a meaning that evolves over time. In response, she discussed the importance of “adherence to the text” and how her judicial powers are constrained by the meaning of the text at the “time of the founding.” She also explained that she does not believe in a “living Constitution,” rejecting the theory that it is a changing document “infused with [her] own policy perspective or the policy perspective of the day.”

In these responses, she demonstrated an understanding of the limited role of the judiciary. As Chief Justice John Marshall wrote in the 1803 decision *Marbury v. Madison*, the Court must “say what the law is.” For any judge to do more would undermine the separation of powers enshrined in the Constitution.

I also valued the testimony of Judge Thomas Griffith, who was appointed to the U.S. Court of Appeals for the District of Columbia Circuit by President George W. Bush. He explained that, on several occasions, he reviewed Judge Jackson’s decisions on appeal. Although they did not always agree on the outcome, he “respected her diligent and careful approach, her deep understanding, and collegial manner.” He added that, in his view, Judge Jackson “is an independent jurist who adjudicates based on the facts and law and not as a partisan.”

To be sure, I do not agree with some of the decisions that Judge Jackson has rendered as a Federal judge. For instance, in *Make the Road New York v. McAleenan*, I believe that Judge Jackson was wrong to review a decision that Congress—through Federal law—left to the “sole and unreviewable discretion” of the Secretary of Homeland Security. The Court of Appeals rightly reversed her ruling in that case. When I asked Judge Jackson about her decision, however, I respected the fact that she was able to articulate the thoughtful—albeit ultimately mistaken—analysis that she employed.

Similarly, I disagree with the sentences that she has imposed in some of the criminal cases that have come before her. As a general matter, I believe that judges should have some discretion in sentencing. This allows them to take into account the unique circumstances of each case—whether ag-

gravating or mitigating—to determine an appropriate punishment for the crimes committed.

Other Federal judges—appointed by Presidents of both parties—have deviated from the U.S. Sentencing Guidelines in some of the same types of cases handled by Judge Jackson. For instance, a 2021 report by the U.S. Sentencing Commission explained that “[l]ess than one-third (30.0%) of non-production child pornography offenders received a sentence within the guideline range in fiscal year 2019.”

The recent surge in crime, exacerbated by the vilification of law enforcement, is causing tremendous harm in cities across America. Thus, in evaluating Judge Jackson’s approach to criminal cases, I appreciate the input from the Fraternal Order of Police, which concluded that she “has considered the facts and applied the law consistently and fairly on a range of issues.” That organization explained that it is “reassured that, should she be confirmed, she would approach her future cases with an open mind and treat issues related to law enforcement fairly and justly.”

Just as I have disagreed with some of her decisions to date, I have no doubt that, if Judge Jackson is confirmed, I will not agree with every vote that she casts as a Justice. That alone, however, is not disqualifying. Indeed, that statement applies to all six Justices, nominated by both Republican and Democratic Presidents, whom I have voted to confirm.

I have concluded that Judge Jackson possesses the experience, judicial philosophy, and character to serve our country honorably as an Associate Justice of the U.S. Supreme Court.

I would be remiss if I did not take this opportunity to speak on the profoundly disturbing trend of politicizing the courts and the judicial nomination process. This trend dates back decades and, sadly, continues to damage the reputation of this body and the independence of our courts. Today, calls to “pack” the Supreme Court in an apparent effort to dictate the outcome of cases are dangerous and undermine the public’s confidence in our judiciary.

Part of the reason for this politicization is that, in recent years, the process has increasingly moved away from what I believe to be appropriate for evaluating a Supreme Court nominee. In my view, the role the Constitution assigns to the Senate is to examine the experience, qualifications, philosophy, and integrity of the nominee. It is not to assess whether a nominee reflects the ideology of an individual Senator or would rule exactly as an individual Senator would want.

It used to be common for Senators to give the President, regardless of political party, considerable deference in the choice of a nominee as long as the President’s choice possessed the requisite credentials, experience, integrity, and respect for the Constitution. One need look no further than the 98-0

vote that conservative Justice Scalia received in 1986 and the 96-3 vote that liberal Justice Ginsburg received in 1993.

This approach served the Senate, the Court, and the country well. It instilled confidence in the independence and the integrity of the judiciary and helped keep the Court above the political fray. And this is the approach that I plan to continue to use for Supreme Court nominations because it runs counter to the disturbing trend of politicizing the judicial nomination process.

I urge my colleagues to denounce partisan attacks on our courts and to join me in working to reverse this harmful trend.

Similarly, I urge the Court itself to strive to forge consensus. A defining characteristic of a democracy, one that differentiates it from an autocracy, is that we are all, from the humblest to the most powerful, governed by the rule of law. That protection is inevitably weakened when those charged with upholding the primacy of the rule of law cannot agree on what the law provides. The perception held by some, whether fair or not, that Supreme Court Justices are guided by their personal views undermines respect for the law, posing a threat to the principle that holds us together as Americans.

This danger will only grow if the Court continues to exhibit recurring and predictable differences on the most significant legal issues of our time. Thus, I think it is essential that the Justices endeavor to reach consensus, especially on matters with the greatest potential to cause conflict.

To state this point in simpler terms, at times when our country is deeply divided along political and ideological lines, the Supreme Court is uniquely positioned to ensure that we adhere to the ties that bind us. Its ability to perform that function is diminished, however, when its members appear no less divided than the rest of the country.

I will cast my vote to confirm Judge Ketanji Brown Jackson to the U.S. Supreme Court.

Mrs. SHAHEEN. Mr. President, it gives me tremendous honor and pride to offer remarks in recognition of this truly historic moment. I was first elected to the Senate in 2008 and came to Washington alongside our Nation’s first African-American President. I remember the aura of historical significance that permeated the whole country during those early days of the Obama administration. In particular, I remember the awe and joy surrounding the inauguration, with Americans lining our streets, packed on the National Mall and glued to television screens in New Hampshire and across our country. I have thought a lot about this recently because I see that same excitement, anticipation, and recognition of history unfolding before our eyes as we as a nation are on the cusp of elevating our first female African-American Justice to the highest Court in our land.

Our Constitution has served as a model for modern democracies around the world. Important pillars of our society like equality under the law, freedom of speech, press, and religion and the separation of powers are all innovations that have made America a beacon of democracy around the world. What makes our Constitution particularly exceptional is its ability to be adjusted and adapted to more faithfully reflect the interests and values of our diverse citizenry which it serves. Important amendments have expanded rights for women and communities of color, making our society more inclusive and pushing the needle toward justice. The Constitution guards our basic rights and freedoms, and the Justices of the Supreme Court serve as the guardians of that Constitution.

It is precisely because of the importance of this Court and each of its nine precious seats that the seating of a new Justice is such a momentous occasion. And in this instance, the significance of the moment has been met by a singular nominee whose achievements, experience and integrity are fully worthy of the history books. In addition, for the first time in history, a former public defender will soon serve on the highest Court in the land. Judge Jackson has already—truly—rendered outstanding service to her country.

Judge Jackson's lived experiences as a Black woman and a mother will bring essential insights to the Supreme Court which, for the first time in 232 years, will approach gender parity. While I fully believe Justice Ruth Bader Ginsburg would have loved seeing Justice Jackson ascend to her beloved Court, we still have a long way to go before we get to Justice Ginsburg's vision of nine female Justices. But one step at a time, we are building a better, more inclusive country. More succinctly put: We are building democratic institutions that represent the public they serve. Justice Jackson will make history and bring the full bounty of her rich and diverse personal history to the Court, just as Louis Brandeis, Thurgood Marshall, Sandra Day O'Connor, and Sonia Sotomayor did before her.

I will end with one last reflection: Judge Jackson's historic nomination offers hope and optimism at a time when partisanship and division threaten to unravel our very democracy. During my conversation with her, I was struck by her genuine candor in discussing how she would approach working with other Justices from different ideological backgrounds. She seeks to appeal to shared experiences and values with Justices whose ideological backgrounds differ from her own. This recognition that we all have more that unites than divides us gives me faith not only in Judge Jackson's ability to forge consensus, but also that we as a nation have a brighter future ahead of us than behind us, and that we can, and must, work together to bridge our divides—ideological and otherwise.

If I can paraphrase a fellow Granite Stater, the great Senator Daniel Webster whose desk I occupy today: "Justice is what binds civilized nations together." And I believe that Judge Jackson will faithfully use her seat on the Supreme Court to deliver just that kind of justice. Judge Jackson is the very best of America, and I am honored and excited to cast my vote to confirm her to the Supreme Court of the United States.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this Capitol Building has served as the backdrop for some of the most notable moments in America's history. In this building, wars have been declared, peace treaties have been signed, and the march toward progress has either moved forward or has been stopped in its tracks.

Today, the Members of this Senate have the opportunity to take a monumental step forward. We will vote to confirm a once-in-a-generation legal talent, a jurist with outstanding credentials and a lifetime of experience, and the first-ever African-American woman to serve as Justice of the Supreme Court—Judge Ketanji Brown Jackson.

Judge Jackson's confirmation will be a glass-shattering achievement for America.

Consider this moment in history. When the Supreme Court first met in this building in 1801, there were 1 million slaves in this Nation—a Nation of 5 million people. This very building was built with the labor of enslaved people.

And at the time the Court met, neither Black Americans nor White women had a constitutionally guaranteed right to vote. Women had no place in that first Supreme Court chamber, and Black women would only enter to clean it in the dark of the night.

We know what followed. America's battle to end slavery saw a bloody civil war and decades of efforts to break down racial barriers, and the efforts continue to this day.

Our struggle to enfranchise and empower women did not end with the 19th Amendment, 102 years ago. It continues to this day, as well, as we strive to give our daughters the same opportunities we give our sons.

This confirmation of the first Black woman to the Supreme Court honors the history that has come before it. It honors the struggles of the past and the men and women who waged them.

And this confirmation draws America one step closer—one step—to healing our Nation, one step closer to a more perfect Union.

Nearly a century after our founding, we guaranteed the rights of citizenship, finally, to every American, including, for the first time, those who were born into bondage, with the ratification of the 14th Amendment.

It took a long century later for us to expand the bounds of liberty again. We

ensured the Federal Government could vigorously protect the right to vote, the most fundamental of rights, with the passage of the Voting Rights Act of 1965.

One victory for progress begat the next.

Two years after the Voting Rights Act, we confirmed the first Black American to ever serve on the Supreme Court—Justice Thurgood Marshall. But I would like to remind you: That was 50 years ago.

Now, with the passage of that time, we are beginning to write another chapter in our Nation's quest for equal justice under the law, and that chapter begins with three letters: K-B-J.

With Judge Ketanji Brown Jackson's confirmation to the highest Court in the land, we are not only making history; we are carrying on a great American tradition: elevating one of our Nation's best and brightest legal minds to an honored position of service.

There is no one more deserving of this high honor. As we have learned over the past month, she is the best of us. She has devoted her life to serving our country. She has done so at every level of the Federal judiciary, and at every turn, she has distinguished herself.

But I hear the critics say she is soft on crime. I wonder how they explain that she was endorsed by the largest law enforcement organization in America, the Fraternal Order of Police, as well as the International Association of Chiefs of Police, as well as an army of Federal prosecutors who have appeared in her courts.

She is dedicated to protecting judicial independence, to advancing freedom and liberty, and deciding every case, as she says, from a neutral posture. That is exactly what you will find in evaluating nearly 10 years of service on the bench.

I hear Senators come to the floor and say: Well, there is one opinion I disagree with.

For goodness' sake, she has issued almost 600 written opinions in 10 years on the bench in the district court. She has been reversed a small percentage of the time. Her work speaks for itself, and when you evaluate it, you will find out she is thoughtful and evenhanded.

As the American people saw during last month's hearing in the Judiciary Committee, Judge Jackson has the right judicial temperament. Calm, collected, she answered every question, even when the questions were hostile and confrontational. She answered them with dignity and grace and stood by for more than 24 hours of questioning.

She is a proven consensus builder. She has been confirmed by the Senate on a bipartisan basis more than three times—three times, I should say—and soon, we hope, she will be confirmed again by a bipartisan majority.

She has earned the support from leaders across the political and ideological spectrum. Civil rights leaders,

leaders in law enforcement, former Federal judges appointed by Democrats and Republicans—all of them have lined up proudly to endorse her.

Perhaps most importantly, Judge Jackson will help ensure that the law works for the people and that the people understand the workings of the courts.

For many Americans, what happens in a courtroom can be cold and impersonal. Judge Jackson has made a habit of making it real. She looks people in the eye, walks them through her decision making with patience and empathy, and she reaches every one of her decisions by following the facts and the law, wherever they lead.

She said that her opinions can run long. That is by design, because she wants America to rest assured—whether she writes in the majority, the concurrence, or dissent—they will know exactly where she stands on the most important issues.

Serving as chair of the Senate Judiciary Committee during Judge Jackson's confirmation has been one of the highest honors of my Senate experience.

I want to give a special thanks to the man who spoke before me, Republican Senator CHUCK GRASSLEY of Iowa. His friendship and fairness have really guided our relationship throughout this historic process.

In the weeks since President Biden announced her nomination, Judge Jackson has already lifted the spirit of countless Americans, inspiring a new generation of aspiring jurists and public servants. Millions of Americans see themselves in Judge Jackson—Black Americans, members of law enforcement families, working moms, public high school graduates like her fellow Palmetto Panthers in Florida.

Everywhere I have gone for the last few weeks when I go home—visiting law schools, going to the grocery store—I have been approached by people who have been following this nomination closely. They tell me how deeply impressed they are with Judge Jackson, even under fire from her critics.

Hannah Amundsen is one of those people. She is a law student in Waukegan, IL, a city on the shores of Lake Michigan. In a letter to my office, Hannah wrote:

If you can see it, you can be it. [And] I'm very excited to see . . . [America's] first black female justice.

Reverend Krista Alston is a Baptist minister in the city of Chicago. She comes from a long line of Baptist ministers. She calls herself "a civil rights baby," born in 1964, the year LBJ signed the Civil Rights Act.

Rikki Jones is also from Chicago. She has been working for civil rights for nearly 60 years—since she was a teenager.

Well, late last month, Reverend Alston and Ms. Jones, with four other people, drove 11 hours from Chicago to attend an hour of Judge Jackson's hearing.

Rev. Alston said she was moved by the judge's courage, grace, integrity,

and wisdom. She imagined what it will be like years from now to tell her future grandchildren what it was like to be in that room for that historic moment.

And Rikki Jones said she had never even expected to hear about a Black woman being nominated to the Supreme Court, let alone to be in the room for her hearing. She said that as she watched Judge Jackson, "it felt like the fulfillment of everything I've worked for my whole life."

She thought of all the strong Black women who came before her and helped make the movement possible: Sojourner Truth, Harriet Tubman, Ida B. Wells, and my personal late friend, the Reverend Willie Barrow, a Black woman minister from Chicago who worked alongside Dr. Martin Luther King. This moment was about them too, she said.

And this moment is possible because of Judge Jackson and who she is—her qualifications, her integrity, her record of excellence. She has earned her seat on the Supreme Court.

That is why it is so unfortunate that several Republicans on the Judiciary Committee did not approach Judge Jackson's hearing with that same level of fairness and respect as their colleagues.

Thankfully—thankfully—there are Members of the Senate who are willing to rise above the partisan fray.

I want to particularly commend Senator SUSAN COLLINS of Maine, Senator LISA MURKOWSKI of Alaska, and Senator MITT ROMNEY of Utah for their political courage and their willingness to support a singularly qualified and historic nominee to the Supreme Court.

You know, when Senator ROMNEY announced his support for Judge Jackson's confirmation, I couldn't help but remember his father, the late George Romney, who served as Governor of Michigan in the 1960s, during the height of the civil rights movement. Governor George Romney knew a thing or two about political courage. As a proud Republican Governor, in 1963, he marched alongside the NAACP Detroit President Edward Turner in support of civil rights. That same year when Dr. Martin Luther King organized a march in Detroit, Governor George Romney declared the occasion "Freedom Day" in Michigan.

To my colleague, Senator MITT ROMNEY, you are your father's son.

This week marks 54 years since the shot rang out in Memphis, TN, claiming the life of Dr. Martin Luther King, an American who spoke with greater moral clarity than nearly any other in our history. The night before he died, Dr. King spoke at a rally in support of the city's striking sanitation workers. There was tension in the air. From the moment he set foot in Memphis, he had received a barrage of death threats.

As Dr. King spoke to the crowd at the Mason Temple, death was on his mind. He said:

Like anybody, I would like to live a long life. Longevity has its place. But I'm not

concerned about that now. I just want to do God's will. And He's allowed me to go up to the mountain.

His next words proved prophetic. Dr. King said:

I've looked over. And I've seen the Promised Land. I may not get there with you. But I want you to know tonight, that we, as a people, will get to the Promised Land.

Rikki Jones said that she thought about Dr. King's prophecy when she realized the Judiciary Committee was voting on Judge Jackson's nomination on the anniversary of Dr. King's death. It felt like the prophecy had come to pass.

Dr. King didn't make it to the Promised Land, but Judge Jackson's ascension to the Supreme Court brings us closer to that longed-for place.

I would like to close with one last personal plea to my Senate colleagues. I hope you will think about this. In the years to come, long after we have left the Senate, one of our grandchildren may ask where we were on this historic day, April 7, 2022, when America broke down what seemed like an impossible racial barrier and voted to send the first African-American woman to serve on our highest Court. I will be proud to say I was on the Senate floor, standing at my desk, and casting my vote with pride for the next Associate Justice to the Supreme Court of the United States, Justice Ketanji Brown Jackson. I hope my colleagues will join me in sharing this historic moment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, President Biden was elected on the promise that he would govern as a moderate and unite the country. He insisted the radical left would not be calling the shots on his watch. But when it came to one of the most consequential decisions a President can make—a lifetime appointment to our highest Court—the Biden administration let the radicals run the show.

With Washington Democrats in power, the far left got the reckless inflationary spending they wanted; the far left has gotten the insecure border they wanted; and today, the far left will get the Supreme Court Justice they wanted.

The fringe activists who demand partisan Court packing, attack the Justices, and describe our Constitution as "trash" made up their minds from the start of this administration that if a Supreme Court vacancy should arise, they wanted one nominee and one nominee only: Judge Jackson. They spent dark money to promote this person specifically. They pushed her for the D.C. Circuit. Then they badgered

Justice Breyer to quit. In February, one of these groups announced Judge Jackson would be the nominee before President Biden actually did make the announcement. So think about that for a moment.

The Senate has examined Judge Jackson's qualifications with the seriousness and vigor that a lifetime appointment deserves. Unlike when the parties' positions are reversed, the country was not subjected to uncorroborated smear campaigns, committee boycotts, stunts with cardboard cutouts, or mobs chasing Senators around the Capitol.

Now a few of our Democratic colleagues seem to have decided in advance they would claim that Judge Jackson was treated shabbily. I have heard that script recited, even though it didn't happen. It didn't happen.

Let's be clear. No nominee before the Senate for any position deserves a cakewalk or a coronation. Tough questions about a Federal judge's own rulings and statements are the definition of "fair game." My Republican colleagues' vigorous inquiry shed important new light on a frequently disturbing judicial record. So I applaud my colleagues for focusing on substance and not following the Democrats' recent precedents into the gutter.

Unfortunately, what the Senate's process turned up was disturbing.

First, the nominee would not follow the Ginsburg-Breyer precedent and denounce the insane concept of partisan Court packing.

Second, her judicial record is full of cases where Judge Jackson ruled like a policymaker implementing personal biases instead of a judge following the text wherever it led.

Third, her aggressive judicial activism frequently focused on treating convicted criminals as gently as possible. In literally case after case, from deadly fentanyl to open borders, to child exploitation, Judge Jackson tilted the scales of justice away from public safety and innocent victims in favor of her career-long passion for softening up criminal sentencing. In Judge Jackson's courtroom, plain legal text and clear congressional intent were no match for what the judge admits are her personal "policy disagreements."

Even as a violent crimewave sweeps America, Democrats are pursuing a nationwide campaign to make the justice system softer on crime. They are stacking the deck with far-left prosecutors, woke warriors at the Department of Justice, and Federal judges who believe criminals deserve lighter treatment. This project is terrible for innocent American families. And every piece of evidence suggests Democrats' view Judge Jackson as its crown jewel.

I will close with this: These debates about judicial philosophy are not just academic. The charged political atmosphere around confirmations, the outsized role that unelected judges play in our national life—these are direct con-

sequences of liberal judicial activism. They are direct results of the effort to misuse Federal courts as a progressive legislature that voters can't kick out.

A republic of self-serving citizens should not spend every June watching with bated breath to see if five or six lawyers will hand down sweeping policy changes with zero basis in the written Constitution.

The solution is not to make the Court even more of a superlegislature, like liberals want—a delegitimizing death spiral that would destroy the rule of law. There is only one solution. The Senate should only confirm Justices who will follow the text of our laws and our Constitution wherever it leads, who will leave subjective policy judgments on this side of the street, where they belong. That is how we lower the temperature. That is how we shore up the courts. That is how we protect the rule of law. Staff the judiciary with brilliant men and women who understand and embrace this limited role. No other road leads anywhere good for our great Nation.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, this is a wonderful day, a joyous day, an inspiring day for the Senate, for the Supreme Court, and for the United States of America.

Today, we are here to vote to confirm Ketanji Brown Jackson as the 116th Justice of the United States Supreme Court.

Now, a few days ago, I spoke with a group of eighth graders from Cheektowaga, NY. Many of them were students of color. It was amazing. When I mentioned that this week we were confirming the judge, you could see them light up, the unmistakable look in their eyes. "One day," each young lady thought to herself, "I can do it too."

You know, it has been a dark 2 years with COVID—people getting sick and dying, many of whom we knew, stores closing, and schools shutting their doors. But even in the darkest times, there are bright lights. Today is one of the brightest lights, and let us hope it is a metaphor, an indication of many more bright lights to come.

As I have said over and over again, there are three words that I think best fit Judge Jackson: brilliant, beloved, belongs.

Judge Jackson is, in every sense and by all measures, a brilliant jurist. She is, indeed, a brilliant person. By the judge's own telling, she first discovered her calling to the law not in a classroom or by reading a book or by talking to lawyers but by sitting at the kitchen table, next to her dad, filling out her coloring book while her dad pored through case law.

Years from now, other parents and other daughters will do the same, and it will be Justice Jackson's opinions that will lay open on the table. The judge's parents and her entire family should beam with pride that this day

has come. At every step of her upbringing and career, Ketanji Brown Jackson ranked among the highest of achievers.

And, look, we should take a moment to note that Judge Jackson will be the first and only Justice with experience as a public defender. We are proud of that, and America is proud of that. It will enhance the Court's ability to preserve a basic truth in our country—that all deserve equal justice under the law, from the privileged to the impoverished. In an imperfect world, the judge conquered so many hurdles and today stands as one of the most experienced individuals ever nominated to the Supreme Court.

For this reason, the judge is also beloved by individuals and organizations across the political spectrum. I went through her record carefully, and never did I find one instance of a peer or a colleague or an associate saying one negative word about her. It was incredible. When we go through these records, you often find someone here or there who will bad-mouth the individual who knew them but not with Judge Jackson.

And, lest we forget, the judge is popular in the minds of the American people. A Gallup poll released after her hearings showed nearly 60 percent of the public supports her confirmation—10 points above the historical norm. There is no question here the country, by and large, wants the Senate to confirm Judge Jackson. Police chiefs want to confirm Judge Jackson. Conservative and moderate and liberal judges all want us to confirm Judge Jackson.

And I thank my colleagues in this Chamber who worked in good faith to make sure the Senate can finish its work today.

Finally, as I have said many times, the judge belongs on the Supreme Court. By that, I mean something very specific. In our Nation's history, 115 individuals have been confirmed by this body to serve on the Supreme Court of the United States. Of those, 108 have been White men; only 5 have been women; only 2 have been African American. But Ketanji Brown Jackson will be the first African-American woman ever to hold the title of "Justice."

Think about the impact that will have on our democracy. Untold millions of kids will open textbooks and see pictures of Justice Jackson among the highest ranks of our public figures. How many millions of kids in generations past could have benefited from such a role model? How many would-be Justices, lawyers, doctors, generals, businesspeople have been lost to history precisely because their history books had few, if any, role models that they could relate to?

We certainly have a long way to go on the road to true justice, but by confirming Judge Jackson today, we are taking a bold step forward toward reaching the full realization of our country's promise. We will make it far more likely that girls across America will feel precisely what Judge Jackson

felt herself when she was a kid: Nobody can stop me. I can do this too. I am brilliant too. I belong too.

For all of these reasons, increasing the diversity of the Court has been one of my highest priorities and one of the highest priorities of our Senate Democratic majority of whom I am so proud.

Justice Jackson is the most important example, but we have been working on this for over a year. Of the 58 Senate-confirmed Federal judges since we took the majority, three-quarters have been women, and two-thirds have been people of color. It is not just racial and gender diversity that matters. We have strived to lift up judges who bring diversity through their experience: more public defenders in our courts, more civil rights lawyers, more election lawyers.

When Americans of all walks of life come before the court, they should have confidence that those who don the robes have the ability to walk in their own shoes, to see and understand their side of the story, and then apply the law properly according to the facts.

One judge at a time—one judge at a time—this majority is expanding the possibility of who merits consideration to the Bench; and I would be remiss if I didn't acknowledge my Republican colleagues who joined us on this occasion and over the year to achieve this goal.

In closing, I want to thank Chairman DURBIN for beautifully executing this nomination process. It was equal parts fair, thorough, and expeditious—no easy feat in this modern Senate.

I want to thank all of my Democratic colleagues on the Judiciary Committee. You were just fabulous—every one of you—in your respectful and insightful examination of the judge's record.

And I want to thank my Republican colleagues who chose to take this process seriously no matter which side you voted on.

The President sent us an impressive nominee. She merited robust and thoughtful and lively examination. I thank the Members who did precisely that.

In short, this is one of the great moments of American history. At the time of our Constitution's ratification, in most States, you had to be a White male, Protestant landowner to be considered part of American society. So, from the get-go, generations of Americans have sought to establish the United States as a full democracy. We fought a bloody civil war to end slavery. Women organized and reached for the ballot. The civil rights movement brought an end to the vicious segregation of the mid-20th century. And, today, we are taking a giant, bold, and important step on the well-trodden path to fulfilling our country's founding promise.

This is a great moment for Judge Jackson, but it is an even greater moment for America as we rise to a more perfect Union.

I thank my colleagues for their work. I yield the floor.

VOTE ON BROWN JACKSON NOMINATION

The VICE PRESIDENT. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Brown Jackson nomination?

Mr. SCHUMER. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 134 Ex.]

YEAS—53

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Romney
Blumenthal	Kaine	Rosen
Booker	Kelly	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	Menendez	Tester
Cortez Masto	Merkley	Van Hollen
Duckworth	Murkowski	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NAYS—47

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Rounds
Boozman	Hawley	Rubio
Braun	Hoeben	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	Lummis	Toomey
Cruz	Marshall	Tuberville
Daines	McConnell	Wicker
Ernst	Moran	Young
Fischer	Paul	

The nomination was confirmed.

(Applause, Senators rising.)

The VICE PRESIDENT. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

Mr. SCHUMER. Madam President, very happily, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHATZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VAN HOLLEN). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. SCHATZ. Mr. President, I am here today to speak in support of the nomination and confirmation of Christopher Lowman to be the Assistant Secretary of Defense for Sustainment. We are in a fight for the free world and

that requires maintaining a robust military presence of our allies, including and especially NATO countries.

Any U.S. mission also needs a strong logistics chain. That means being able to move troops, medical supplies, fuel, tents, anything else throughout the world at any given time. And this is no longer an abstraction. We have seen what happens when it isn't in place. We are seeing it in real time with Russia's equipment and training problems in Ukraine.

And that is why we have an Assistant Secretary of Defense for Sustainment to lead on logistics. As we are watching the Ukrainians bravely push back this unprovoked Russian war, part of the reason that they are having success is that the Russian logistics chain is absolutely broken. We, in the United States, and our Armed Forces take logistics extraordinarily seriously. But we don't have the person in charge of that confirmed to lead the Department on logistics.

This position is left unfilled because JOSH HAWLEY is blocking Mr. Lowman's nomination. Senator HAWLEY apparently disagrees with the Biden administration policy on Afghanistan, and so he is punishing our servicemembers and our NATO allies while a war in Europe is raging. It is worth repeating. Senator HAWLEY is mad about what happened 6 months ago in a different part of the world, and in response, he is harming the Department of Defense and our national security.

Mr. HAWLEY. Will the Senator yield?

Mr. SCHATZ. I will not yield.

Mr. Lowman is well-qualified for this job, and no one is disputing that. He is a Marine Corps veteran who spent nearly four decades working for the Army. He has the exact expertise necessary to help support our logistics chain and help to make sure that our military remains the best fighting force on the planet. It is time for Senator HAWLEY to release this hold and move the nomination forward.

This is preposterous. You can do a hold. Members do a hold. The Presiding Officer has done a hold. I have done a hold. I voted no on nominees. I retaliated against Democratic and Republican administrations when I disagreed with policy. But a blanket hold on the Department of Defense and holding the person in charge of our logistics chain is absolutely inexcusable.

Mr. President, I ask unanimous consent that the Senate consider the following nomination, Calendar No. 777, Christopher Joseph Lowman, of Virginia, to be an Assistant Secretary of Defense, and that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table, and statements related to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?